

Krishan Kumar

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Kanwaljeet Singh Brar, Advocate,
for the petitioner.

Mr. Bhupinder Beniwal, A.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard by video conferencing.

This petition has been filed under the provisions of Section 439 of the Cr.P.C. seeking 'regular bail' for the petitioner in case FIR no. 194 dated 30.10.2019, registered at Police Station City Kotkapura, District Faridkot, for the alleged commission of offences punishable under Sections 376/506 (with Sections 376-D/34 of the IPC added later) and Sections 5 and 6 of the Protection of Children from Sexual Offences Act, 2012.

Learned counsel for the petitioner submits that other than the fact that there was a delay of 04 days in registering the FIR itself, the co-accused of the petitioner has been admitted to bail by this court, on the ground of length of custody, with the petitioner also having been in custody for one year and three months.

He further submits that no prosecution witness has been examined so far.

Though the petitioner is seen to be the main accused in the FIR, with the girl (as per her birth certificate) stated to be between 15 to 16 years of

age and therefore even if there was any consent at all, that would be wholly immaterial with the petitioner also being about 25 years of age, however, upon query to learned State counsel he submits that as per his instructions there is no other criminal case registered against the petitioner, though otherwise he opposes the petitioner being admitted to bail in view of the nature of offence committed.

Having considered the matter, simply on account of the length of custody of the petitioner and the stage of the trial, with no prosecution witness examined so far, without making any comment on the actual merits of the case for or against the petitioner, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate, concerned.

January 07, 2021
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.